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21 Attorneys for Defendant
22 **SAFEWAY INC.**

23 **UNITED STATES DISTRICT COURT**
24 **NORTHERN DISTRICT OF CALIFORNIA**
25 **SAN FRANCISCO DIVISION**

26 **PHILLIP BRATTAIN,**

27 Plaintiff,

28 v.

SAFEWAY, INC.,

Defendant.

Case No. 12-CV-05171-EMC

**STIPULATION OF DISMISSAL WITH
PREJUDICE ; ORDER**

[FED. R. CIV. P. 41 (A)(1)(A)(ii)]

1 WHEREAS, the parties have agreed that this matter may be dismissed with prejudice by the
2 Clerk of Court.

3 WHEREAS, the Parties have agreed to waive any and all costs of this action.

4 **THEREFORE, IT IS HEREBY STIPULATED THAT:**

- 5 1. This matter is hereby dismissed with prejudice; and
6
7 2. All costs of this action are waived by both Parties.

8
9 DATED: May 20, 2013

Respectfully Submitted,

10 By: /s/ Benjamin M. Lopatin
11 Benjamin M. Lopatin, Esq.

12 Attorney for Plaintiff
13 Phillip Brattain

14 DATED: May 20, 2013

Respectfully Submitted,

15 By: /s/ Monty Agarwal
16 Monty Agarwal

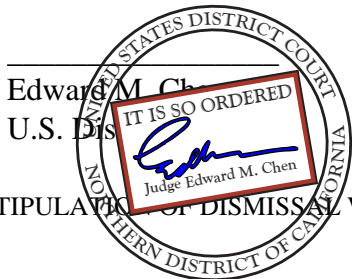
17 Attorneys for Defendant
18 SAFEWAY INC.

19 **ATTESTATION**

20 I, Benjamin M. Lopatin, do hereby declare that concurrence in the filing of the foregoing
21 document has been obtained from Monty Agarwal on this 20th day of May, 2013.

22
23
24 /s/ Benjamin M. Lopatin
25 Benjamin M. Lopatin

26 IT IS SO ORDERED:



STIPULATED OF DISMISSAL WITH PREJUDICE

Case No. CV 12-05171-EMC